IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUNATION SHEET
WRIT PETITION NO.487 OF 2005

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Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.	**Court's or Judge's orders**

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Mr.R.D.Suryawanshi for the Petitioners
Mr.S.G.Karandikar for Respondent Nos.1 to 3.

CORAM: A.S.OKA, J.
DATE : FEBRUARY 13,2007.

P.C.:

1. The submissions of the Advocates for the parties were heard yesterday. By this Petition under Article 227 of Constitution of India, the Petitioners have challenged the orders passed in proceedings relating to mutation entries under the Maharashtra Land Revenue Code, 1966. The learned Counsel for the Petitioner submitted that the rights of the parties as regards immoveable property in dispute have been decided by the Civil Court in a civil suit. The learned Counsel for the Respondent Nos.1 to 3 stated that the decree passed by the Civil Court has not attained finality in the sense that an

Appeal against the decree passed in the said suit is pending in the District Court. The statement made by the Advocate for the first to third Respondent is accepted.

2. It is well settled position of law that the rights of the parties as regards immoveable property are not decided in the mutation entry proceedings. Notwithstanding the orders passed by the Authorities under the Maharashtra Land Revenue Code, 1966, the Civil Court can always independently decide the rights of the parties as regards immoveable property and finding of the Revenue Authority never binds the civil Court.

3. In this view of the matter, Petition is not entertained and the same is rejected.

JUDGE